

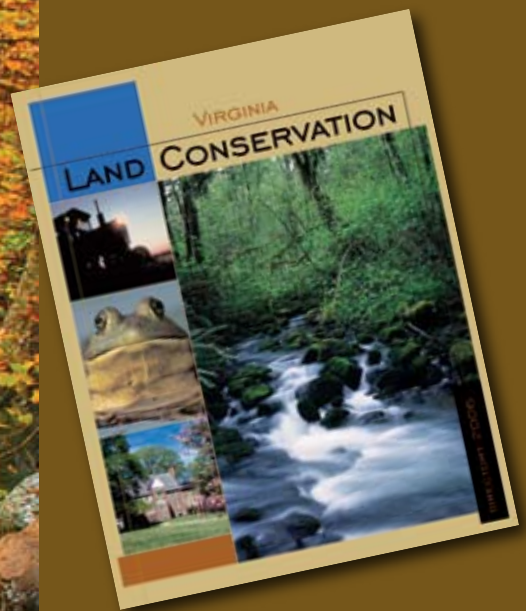
Governor Kaine's 400,000-Acre Land Conservation Goal

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When he announced the 400,000-acre goal, the Governor noted that “with every passing day, land is becoming more expensive and scarcer. I will set and meet this preservation goal during my term—not just because it’s the right thing to do—I will do it because if I don’t, the opportunity to do it will not be there for future governors and future Virginians.”

In 2000, the states of Pennsylvania, Maryland, and Virginia made a series of promises to each other in order to clean up the Chesapeake Bay. Known as the Chesapeake 2000 Agreement, this set of commitments encompassed a wide range of strategies needed to “save the Bay” from the pollution problems that plague it. One of the most important and long-lasting of these commitments is to preserve 20 percent of the Chesapeake Bay watershed by 2010. By early 2006, Pennsylvania and Maryland had already hit the 20 percent mark. Virginia, on the other hand, still had a long way to go: 358,000 acres. In April of 2006, Virginia Governor Kaine announced that he wanted not only to meet the Chesapeake 2000 goal, but to exceed it. During his term of office, he wants to protect an additional 400,000 acres of land across the Commonwealth.

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Where To Get More Information

Dept. of Conservation and Recreation (DCR) – www.dcr.virginia.gov/land_conservation

Conservation of open space for recreation, scenic areas, trails, and natural heritage sites. Provides oversight for state conservation efforts and tracking of conservation goals.

Dept. of Historic Resources (DHR) – www.dhr.virginia.gov/easement/easement Conservation of historic buildings and sites, battlefields, cultural and archeological sites.

Dept. of Forestry (DOF) – www.dof.virginia.gov Conservation and promotion of working forest lands and state forests.

Dept. of Game and Inland Fisheries (DGIF) – www.dgif.virginia.gov Conservation of wetlands and wildlife habitat, as well as wildlife management areas.

Dept. of Agriculture and Consumer Services (VDACS) – www.vdacs.virginia.gov Conservation of working farms, certification and funding for local PDR programs.

VA Outdoors Foundation (VOF) – www.virginiaoutdoorsfoundation.org State body that is the primary holder of conservation easements in Virginia.

Two pieces of information help to put the 400,000-acre goal in perspective. First, 400,000 acres is 1.58 percent of the state. It represents an area that is a bit smaller than the size of Fauquier County, and a bit larger than the size of Southampton County. Second, protecting 400,000 acres during the term of one Governor is a very ambitious goal for Virginia. From 2000 to 2005, the average number of acres protected each year in the Commonwealth was about 55,000 acres. In order to meet the goal, we must double our efforts.

Lands We Want to Protect

State policy very clearly supports the protection of several different types of land: scenic resources, historic areas, natural areas, recreational lands, and key watershed lands are all important. It is also clear that working landscapes—farmland and forest land—are a top priority. Without a land base to support them, agriculture and the forest products industry simply cannot thrive in Virginia. It is difficult to overstate the economic significance of these industries. In fact, the three leading economic generators in the Commonwealth are natural resource-based industries: agriculture, forestry, and tourism.

Much of Virginia is currently forested (15.9 million acres representing 62 percent of the total land cover). But the Virginia Department of Forestry's Virginia Forest Land Assessment concluded that over three million acres

Southern Virginia

One area of the state where Governor Kaine would like to see more land conservation activity is in southern Virginia. The counties below the James River have long been the forestry breadbasket of the state, and these counties still contain some of the largest blocks of working forests left in Virginia. The landowners in southern Virginia will play an important part in maintaining the state's strong forest economy. The Governor is inviting landowners in southern Virginia who would like more information on conserving working farm and forest lands or other important resources to contact one of the state agencies listed on page 5. In addition, a land conservation symposium is being planned for December 11th in southern Virginia. For more information on the symposium, contact Sarah Richardson at (804) 225-2048.

of commercial timberland can no longer be considered rural enough to permit sustainable management for forest products. Today, the average forest tract size is only 29 acres, and over 10 percent of our forested lands are on tracts of less than 10 acres.

Not only is forest land a high priority because of its importance to the forest products industry, but it is also some of the most important land to protect for ecological reasons. In fact, the Chesapeake Bay Executive Council, which consists of the Governors of Virginia, Maryland, and Pennsylvania and representatives of the U.S. Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, recently signed an Executive Directive aimed specifically at conserving forest lands. The Executive Directive explains the need to focus on forest lands this way:

Retaining and expanding forests in the Chesapeake Bay watershed is critical to our success in restoring the Chesapeake Bay. Forests are the most beneficial land use for protecting water quality due to their ability to capture, filter and retain water, as well as absorb pollution from the air. In fact, our watershed forests are excellent assimilators of air pollution, retaining up to 85 percent of the nitrogen they receive from air emission sources such as motor vehicles and electric utilities. Conversely, a reduction in forest area leads to a disproportionate increase in nitrogen loads to our waterways. Forests are also essential to the provision of clean drinking water to over 10 million residents of the watershed and provide valuable ecological services and economic benefits including carbon sequestration, flood control, wildlife habitat, and forest products.

Tools For Protecting Land: Public Lands and Conservation Easements

Since 2000, about 20 percent of the land protected in the Commonwealth has been purchased and set aside as public land. Examples of public lands include Virginia's state forests, wildlife management areas, state parks and natural area preserves, as well as local parks and federal lands such as national forests and national wildlife refuges. Most of the land that is conserved, however, is protected through conservation easements. A conservation easement is an agreement in which a landowner gives up the right to develop the land. The landowner retains the right to live on the land, often retains rights to use it for farming or forestry, and sometimes retains a small number of rights to subdivide the land or build additional structures. Conservation easements are an extremely important tool because they allow land to remain in private hands, while at the same time ensuring the protection of rural attributes such as scenic views and use for food and fiber production.

Virginia stands out for having an extremely powerful incentive to encourage landowners to place their land under a conservation easement. State law provides a tax credit for donations of conservation easements, and it is the most generous conservation tax credit in the nation. In addition, the tax credit is transferable—that is, a landowner who cannot use a tax credit can sell his tax credits to another taxpayer. Under the law, the amount of the land preservation tax credit is equal to 40 percent of the value of the donation. The value of the donation is the value of the conservation easement, as determined by a real estate appraiser who analyzes the difference between the value of the land before the land is restricted by the easement and the value after the easement is placed on the land. Since 2000, over 244,000 acres of land have been saved under the Virginia tax credit program. Many landowners who once believed that selling their land for development was the only way to recover significant value from their property have learned that the tax credit makes holding on to their land affordable.

Landowners have a wide range of partners from which to choose in placing a conservation easement on their land. Most of the easements in Commonwealth are held by the Virginia Outdoors Foundation, a state agency established more than 40 years ago for the purpose of conserving land. Conservation easements can also be held by private nonprofit land trusts such as The Nature Conservancy or the New River Land Trust, state agencies such as the Department of Forestry, and local governments. All of these entities can receive donations of easements that qualify for the land preservation tax credit, and some of them may have funding available to purchase conservation easements from landowners. It is extremely important, no matter who

a landowner chooses as a partner, for the landowner to also seek out the expertise of an attorney and a tax advisor who have experience with conservation easements.

In order to qualify for the tax credit, the conservation easement must be perpetual. That is, the easement must extinguish development rights permanently, so that the easement governs the use of the land not only by the current landowner, but all future landowners as well. Conservation easements typically place some restrictions on how land is managed or how timber is harvested; these generally conform to the best management practices most landowners employ as a matter of course.

Conclusion

The 400,000-acre goal is the centerpiece of Governor Kaine's natural resources agenda. It is not a regulatory program, and therefore the Commonwealth can only hope to achieve the goal if state agencies work together to educate landowners about their choices and build strong partnerships with local governments and conservation organizations. The most important players in the effort to meet the goal are, of course, landowners. Readers of this magazine who own land and wish to learn more about land conservation opportunities are encouraged to contact a land trust or conservation agency. For a list of land trusts and agencies that hold conservation easements, visit http://www.dcr.virginia.gov/land_conservation/index.shtml.

To check on Virginia's progress towards the 400,000-acre land conservation goal, visit <http://www.naturalresources.virginia.gov/Initiatives/LandConservation/>.

Chesapeake Bay Executive Council Directive 06-01 can be viewed at <http://www.chesapeakebay.net/info/pressreleases/ec2006/Directive%2006-1%20Forests%20color.pdf> 🌿



L. Preston Bryant, Jr., serves as Secretary of Natural Resources in the cabinet of Virginia Governor Timothy M. Kaine. Prior to joining Governor Kaine's cabinet, Secretary Bryant served in the Virginia House of Delegates for 10 years. Born in Lynchburg, Va., Bryant earned a B.A. in English from Randolph-Macon College, a master's degree in the humanities from the University of Richmond, and an M.A. in modern British literature from the University of London.



Robert S. Bloxom is Secretary of Agriculture and Forestry for the Commonwealth of Virginia. Prior to his appointment in 2005, he served as a member of the Virginia House of Delegates for more than 25 years. As a Delegate he led several committees that focused on the use, preservation and conservation of land in Virginia. He served as chairman of the Chesapeake Bay Commission, the Chesapeake Bay Partnership, Public Safety Sub-Committee of the Appropriations Committee, and the Labor and Commerce Committee. Secretary Bloxom is a graduate of Fork Union Military Academy and the University of Richmond.